

Board of Selectmen Agenda
Tuesday, May 24, 2016

A meeting of the Board of Selectmen was held at 7pm on Tuesday, May 24, 2016 in Conference Room A in Town Hall; present were five Selectpersons and the Asst. Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Public Comment Period:

Public Comment
Period:

Toby Arsenian, 95 Granite St., spoke to express his displeasure at the Rockport Music banners. He said he feels they are visual clutter and not necessary. He read the town's zoning aloud to further his view. Selectperson Wilkinson said the board has encouraged other non-profits to temporarily present banners as well.

T. Arsenian also spoke about the town building study. He said he has spoken to members of DPW and the Planning Board and he claims they want to see the study too. He feels the public is entitled to a presentation of the study at a meeting.

S. Jacques, 93 Granite St., spoke about the problem of summer traffic at Five Corners. He feels something has to be done. He suggested setting up a Citizen's Committee to seriously study this, and come up with some solutions. Selectperson Battistelli asked Chief Horvath if he could talk about this issue. The Chief reported he has had several conversations with the MAPC (Metropolitan Area Planning Council) and they are coming back this Friday to take another look at the intersection. He said there have been several ideas such as having a stop sign at every corner to traffic counting devices to a roundabout. MAPC is sending an engineer out to look at the intersection. The goal is to improve traffic at the intersection by slowing it down and keeping it moving. He believes there are things that can be done.

Public Hearing

Public Hearing:

Annual Beer & Wine License Hearing – Studio Crepe: Annual Beer & Wine License Hearing – Studio Crepe: Selectperson Campbell moved that the Board of Selectmen open a Public Hearing on the application of Studio Crepe, Inc. for an annual license to sell wine and malt beverages, Selectperson Wilkinson seconded, Vote: 5-0.

Open Annual Beer
& Wine License
Hearing – Studio
Crepe
Motion Approved

Steve Whitley, 4 Curtis St., spoke about his plans for his new restaurant, Studio Crepe. He said he wants his restaurant to be a place where people can come and relax and have a glass of wine.

Close Hearing: Selectperson Sheedy moved that the Board of Selectmen close the Public Hearing, Selectperson Battistelli seconded, Vote: 5-0.

Motion to Close
Public Hearing
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen approve Studio Crepe, Inc.'s application for an annual license to sell wine and malt beverages at Studio Crepe at 17 Railroad Avenue, Selectperson Sheedy seconded, Vote: 5-0.

Approve annual
license to sell wine
& malt beverages
Motion Approved

Seasonal Beer & Wine License Hearing – Top Dog: Selectperson Battistelli moved that the Board of Selectmen open a Public Hearing on the application of Eliza's Top Dog, Inc. for a seasonal license to sell wine and malt beverages, Selectperson Sheedy seconded, Vote: 5-0.

Scott Lucas and Eliza Lucas, owners of the Top Dog restaurant and their attorney, R. Visnick, were present to request a seasonal wine and malt license.

Selectperson Wilkinson said people have been asking what would stop patrons from sitting outside and simply walking away. S. Lucas said there would be several signs indicating that they cannot bring the beers beyond the gated area in back.

Selectperson Campbell inquired if the cups for the beer are different than fountain drinks. S. Lucas said they are different, they are plastic; they look different from fountain drinks.

T. Arsenian, 95 Granite St., inquired about bathrooms on the premises. E. Lucas said there are handicapped bathrooms on the premises. He inquired about the number of seats at the restaurant. Selectperson Battistelli stated that there are 7 front outdoor seats, total # of seats is 36, 17 seats inside, 12 outback.

T. Arsenian inquired what would they do if there were no seats available. Would patrons stand and would they be served alcohol? S. Lucas said staff oversee the dining room and seating.

Z. Seppala, asked maximum capacity for the premises. E. Lucas said inside the maximum capacity is 20.

K. Whitley, 4 Curtis St., said she is very excited about this. She said it's going to open up a lot of hours; she hopes it works.

Motion to Close
Public Hearing
Motion Approved

Close Hearing: Selectperson Sheedy moved that the Board of Selectmen close the Public Hearing, Selectperson Campbell seconded, Vote: 5-0.

Approve Eliza's Top
Dog seasonal license
to sell wine & beer
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen approve Eliza's Top Dog, Inc.'s application for a seasonal license to sell wine and malt beverages at Top Dog at 2 Doyle's Cove Road, Selectperson Battistelli seconded, Vote: 5-0.

Peter Beacham said this is a personal triumph; he is very excited about this. He said it's going to benefit everyone who lives here and many that don't.

Motion to Open
Entertainment
License Hearing –
Lobster Pool Rest.
Motion Approved

Entertainment License Hearing – Lobster Pool Restaurant: Selectperson Battistelli moved that the Board of Selectmen open a Public Hearing on the application of The Lobster Pool Restaurant for an Entertainment license for outdoor music on premises and an outdoor public address system, Selectperson Sheedy seconded, Vote: 5-0.

R. Cox, N. Goldstein, B. Atkins, and M. Cox from the Lobster Pool were present. They indicated they have a PA system to call out the numbers when patrons are going to be served. They are not trying to expand their hours; they close at 8pm, in peak season it's 9pm. They are proposing a battery powered amplifier.

Selectperson Wilkinson said we have had complaints in the past about the noise with amplification.

Selectperson Sheedy said the application doesn't reference any amplification.

Selectperson Battistelli spoke on compromises for calling out the numbers over a loud speaker. She mentioned texting people.

The Lobster Pool owners said they have investigated the buzzer system; the cost is approximately \$4,000.

Chairman Murphy said it would be nice if they could eliminate the calling out of the numbers, as well as no amplification.

Selectperson Campbell said it would be great if the concerns of the neighbors could be addressed. He said when you can finally open your windows, and be outside, and are listening to bothersome announcements of numbers for diners, it's frustrating.

M. Vieira said for all licenses and permits requested; Town Hall reviews any outstanding balances or violations due by all applicants. The zoning decision of 1974 regarding the number of tables was approved for 6 tables; there are 22 tables there currently. He said there are outstanding real estate taxes due also. The owners said the bank should be paying the taxes; they just purchased the building. The Zoning Board of Appeals would need to approve more than 6 tables.

S. Jacques said there are systems in grocery store deli departments with slips of paper with numbers. He said it doesn't have to be expensive.

295 Granite Street resident said she has been going to the Lobster Pool since the 50's. She has never, in all these years, heard any noise from the Lobster Pool until last summer or the summer before that. She said she hopes that some accommodation can be made because listening to those numbers all afternoon is difficult.

The Lobster Pool owners said they will take care of these concerns.

K. Erickson, 41 Folly Point Rd, said he lives across from The Lobster Pool. He said when there's an east wind, he can hear people talking at the tables at the restaurant from his house. They can be heard all over Folly Cove.

Mr. Desmond said the noise carries tremendously; it's extremely distressing; Mrs. Desmond said she thought this meeting was about music.

Selectperson Wilkinson said at the beginning of the public hearing, the Chairperson addressed the amplification right away.

Shelly Crane, Penzance Road, said she lives on the water and she can hear music from boats in the ocean; sound carries on the ocean. We all know this; she likes the nostalgic nature of the numbers being called out.

Brian McWilliams, 331 Granite St., said he is a direct abutter who has lived there for 16 years. The acoustic guitar started just a few years ago. It's annoying; we can hear it every night even when they are trying to keep it low. The Lobster Pool Restaurant has changed a lot over the years. There is more traffic, food, and septic trucks in there. They don't have the capacity; the number of picnic tables has increased fourfold. They worry that the owners are not going to be compliant.

Margaret, 15 Point, said the inside music can be a nuisance depending on the level it's played at. She is trying to understand the benefit of an amplified iPod. The restaurant owners said it is inside music for the kitchen staff.

Selectperson Wilkinson said if music being played inside is heard outside, it's no longer inside music.

M. Vieira said the board has always maintained that if there are any outstanding fees due to the town, nothing is approved.

Eric Mears, Granite St., said we arrived at an agreement acoustic vs. amplified. At this age of technology, perhaps we should look at decibel level.

The Lobster Pool owners said when they took over the restaurant, the prior operators were calling out the numbers.

Nancy Muise, 323 Granite St., many individuals come there to watch the sunset; they need a police detail. She said cars are double parked, they drop their car anywhere; it needs to be monitored.

Janet Williamson, 170 Main Street, said she supports the Lobster Pool and that they can continue what they're doing. Nobody can control sound.

T. Arsenian, 95 Granite St., said the former Police Chief said that they didn't send an officer on a noise complaint until they received two calls. He said he is surprised to hear Selectperson Wilkinson say that we want only those that want to listen to the music, listening to the music.

Brian McWilliams, direct abutter, said the music is not part of the history of the Lobster Pool; the music started just a few years ago.

Motino to Close
Public Hearing –
Lobster Pool Rest.
Motion Approved

Close Hearing: Selectperson Sheedy moved that the Board of Selectmen close the Public Hearing, Selectperson Campbell seconded, Vote: 5-0.

Chairman Murphy said he sees a willingness by the restaurant owners to be good neighbors. We have heard from neighbors who live there that it can be loud. He said there are some issues with the application.

Selectperson Sheedy said she agrees that she sees a spirit of cooperation here; it's a balance.

Application was
Withdrawn –
No Vote Taken

The application was withdrawn; the owners said they will not have any music or a PA system. They will need several weeks to obtain a new system for alerting diners. The concern of the radio for the restaurant employees was restated.

Approval of
4/26/16 Minutes
Motion Approved

Approval of Minutes of April 26, 2016 - Selectperson Sheedy moved that the Board of Selectmen approve the minutes of April 26, 2016, Selectperson Battistelli seconded, Vote: 3-0 (Selectpersons Murphy and Campbell did not vote).

Approval of
4/30/16 Minutes
Motion Approved

Approval of Minutes of April 30, 2016 - Selectperson Battistelli moved the Board of Selectmen approve the minutes of April 30, 2016, Selectperson Sheedy seconded, Vote was 4-0, (Selectperson Campbell abstained as he was not on the board in April).

Approval of
5/10/16 Minutes
Motion Approved

Approval of Minutes of May 10, 2016 - Selectperson Campbell moved that the Board of Selectmen approve the minutes of May 10, 2016, Selectperson Battistelli, seconded, Vote: 5-0.

Selectmen Updates
& Liaison Reports

Selectmen Updates and Liaison Reports: Selectperson Wilkinson said the Granite Pier Committee in the past few days has posted some signs turning the upper Granite Pier storage area into a dead storage area and telling people that their trailers or boats could be towed until 6/15/16. She said we do not want to operate that way. M. Vieira said he has instructed that no boats are to be towed. Chairperson Murphy reported that he was very pleased to receive a letter from the Attorney General's office stating that the Board of Selectmen was not in violation of the open meeting law. Their investigation ruled that there was no basis for the complaint.

<ul style="list-style-type: none"> ▪ <u>Appointment of Seth Perry as Permanent Intermittent Police Officer:</u> Selectperson Sheedy moved that the Board of Selectmen appoint Seth Perry as a Permanent Intermittent Police Officer for the Town of Rockport, Selectperson Wilkinson seconded, Vote: 5-0. S. Perry said he resides in Rockport, went to school K-12 in Rockport then Salem State. He has been on the fire department in town. He said he believes knowing the community inside and out is beneficial for this position. 	Appointment of Seth Perry as Permanent Intermittent Police Officer Motion Approved
<ul style="list-style-type: none"> ▪ <u>Appointment of Christopher Lavoie as Permanent Intermittent Police Officer:</u> Selectperson Wilkinson moved that the Board of Selectmen appoint Christopher Lavoie as a Permanent Intermittent Police Officer for the Town of Rockport, Selectperson Campbell seconded, Vote: 5-0. C. Lavoie said he grew up in Peabody; and spent four years in the Navy as a military officer. After returning home, he knew that this was his goal. He would like to incorporate a bicycle for getting to know the residents and the town. 	Appointment of Christopher Lavoie as Permanent Police Officer Motion Approved
<ul style="list-style-type: none"> ▪ <u>Nomination of Michael Bace for Appointment to the Zoning Board of Appeals:</u> Selectperson Sheedy moved that the Board of Selectmen nominate Michael Bace as a member of the Zoning Board of Appeals to fill an un-expired term until June 30, 2019, Selectperson Campbell seconded, Vote 4-0. Selectperson Battistelli recused herself from the vote. 	Nomination of Michael Bace for appointment to Zoning Board of Appeals Motion Approved
<ul style="list-style-type: none"> ▪ Reappointment of Philip Crotty to the Harbor Advisory Committee: Selectperson Battistelli moved that the Board of Selectmen reappoint Philip Crotty as a member of the Harbor Advisory Committee for a term to expire on June 30, 2019, Selectperson Wilkinson seconded, Vote: 5-0. 	Reappointment to Harbor Advisory Committee Motion Approved
<ul style="list-style-type: none"> ▪ Acceptance of Resignation of Jonathan Ring from the Board of Registrars: Selectperson Campbell moved that the Board of Selectmen accept the Resignation of Jonathan Ring from the Board of Registrars effective immediately, Selectperson Battistelli seconded, Vote: 5-0. 	Acceptance of Resignation from Board of Registrars Motion Approved
<ul style="list-style-type: none"> ▪ Entertainment License – Studio Crepe: Selectperson Sheedy moved that the Board of Selectmen approve Studio Crepe’s application for an Entertainment License to expire on May 31, 2017, Selectperson Battistelli seconded, Vote: 4-0. 	Entertainment License – Studio Crepe Motion Approved
Selectperson Wilkinson left the meeting prior to this vote.	
<ul style="list-style-type: none"> ▪ Rockport Music Festival Banners: Selectperson Battistelli moved that the Board of Selectmen grant permission to Rockport Music to post its banners along Main Street from June 1st to July 20th for its 35th Annual Rockport Chamber Music Festival, Selectperson Sheedy seconded, Vote: 4-0. 	Rockport Music Festival Banners Motion Approved
<ul style="list-style-type: none"> ▪ 13 Long Beach Lease – Address Change for Thomas Treacy: Selectperson Battistelli moved that the Selectmen approve and sign a lease for 13 Long Beach to reflect a change of address for Thomas Treacy, Selectperson Sheedy seconded, Vote: 4-0. 	13 Long Beach Lease – address change Motion Approved
<ul style="list-style-type: none"> ▪ Yearend Transfer of \$850. from Election Officer Wages to Training & Development: Selectperson Campbell moved that the Board approve, and ask the Chairperson to sign, a Yearend Transfer of \$850 for Town Clerk, from Election Officer Wages to Training & Development, Selectperson Sheedy seconded, Vote: 4-0. 	Yearend Transfer from Election Officer Wages to Trng & Develop Motion Approved
<ul style="list-style-type: none"> ▪ Yearend Transfer of \$1,125 from Patrolmen’s Wage to Police Custodian APT: Selectperson Sheedy moved that the Board of Selectmen approve, and ask the Chairperson to sign, a Yearend Transfer of \$1,125 for Police Department, from Patrolmen’s Wage to Police Custodian APT, Selectperson Campbell seconded, Vote: 4-0. 	Yearend Transfer from Patrolman’s wage to Police Custodian Motion Approved
<ul style="list-style-type: none"> ▪ Special Sign Permit – Feather & Wedge, 5 Main Street: Selectperson Sheedy moved that the Board of Selectmen approve a special sign permit for Feather & Wedge for 5 Main Street, Selectperson Campbell seconded, Vote: 4-0. The sign is larger than what is allowed, so a special permit is necessary. 	Special Sign Permit – Feather & Wedge Motion Approved

- Outdoor Display Permit Motion Approved ■ Outdoor Display Permit – Carol Lee’s Cottage, 24 Bearskin Neck: Selectperson Battistelli moved that the Board of Selectmen approve the Outdoor Display Permit for Carol Lee’s Cottage, 24 Bearskin Neck, Selectperson Campbell seconded, Vote: 4-0.

- Harbor Light Community Partners Motion Approved ■ Allocation of HOME Funds to Harbor Light Community Partners for 5 Granite Street Project: Selectperson Sheedy moved that the Board of Selectmen allocate Rockport's North Shore HOME Consortium funds for FY16 and FY17 to Harbor Light Community Partners for the 5 Granite St. project, Selectperson Battistelli seconded, Vote: 4-0.

- Permission for Thacher Island Keepers Parking Motion Approved ■ Permission for Thacher Island Keepers Parking: Selectperson Campbell moved that the Board of Selectmen grant permission for the Thacher Island Keepers to park on Granite Pier while they are on the Island, Selectperson Battistelli seconded, Vote: 4-0.

8:40 Discussion Item
 Selectmen Liaison Delegations - postponed

Other Business/Announcements Other Business/Announcements

Motion to hold Executive Session on 6/1/16 at 6pm in Town Hall Selectperson Sheedy moved that the Board of Selectmen schedule an Executive Session meeting on June 1, 2016 at 6pm in the Town Hall Annex Building, Selectperson Campbell seconded, Vote: 4-0.

Motion Approved Chairperson Murphy said he would very much like to change the name of the Annex to something nice.

Chairperson Murphy suggested that any time there is an event on T-Wharf, the fishermen should be brought to the table when the event is being planned.

9:50 Selectperson Sheedy moved to adjourn, Selectperson Campbell seconded, Vote: 4-0.